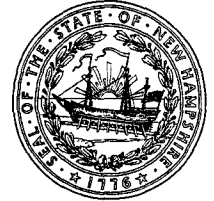




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

June 17, 2005

**Certified Mail
Return Receipt Requested**

**Letter of Deficiency
No. WMD 05-015**

Don Beauchesne
Nixon Site & Demolition
792 Londonderry Turnpike
Auburn, NH 03032

Re: SWC 05-008, 292 Morse Road, Manchester, NH 03104

Dear Mr. Beauchesne:

On April 6, 2005, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of the Fosher property located at 292 Morse Road, Manchester, NH ("Site"). The purpose of the inspection was to determine your company's compliance status with RSA 149-M and rules adopted pursuant thereto relative to the proper management of solid waste.

During the April 6, 2005 inspection, DES personnel observed or learned the following:

1. Construction and demolition debris consisting of, but not limited to, metal, shingles, insulation, and wiring, has been used as fill in the area adjacent to the residence at 292 Morse Road.

This letter serves to inform you that the above referenced Site conditions constitute violations of RSA 149-M, specifically:

RSA 149-M:9, II	Failure to dispose of solid waste at a permitted solid waste facility.
-----------------	--

DES believes that the cited deficiency can be corrected by completing the following requested remedial actions within the time indicated:

1. **Immediately** cease disposing of solid waste to an unpermitted solid waste facility.
2. Remove all solid waste at the Site, specifically construction and demolition debris, by **July 29, 2005** to a solid waste facility permitted to handle such wastes. Burning of this material is not allowed.
3. **By August 5, 2005**, submit to DES written confirmation that these steps have been completed, including **copies of all disposal receipts** for the solid waste, at the address below.

Please address all correspondence and reports regarding this matter to:


P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095
Telephone: (603) 271-3644 • Fax: (603) 271-2181 • TDD Access: Relay NH 1-800-735-2964
DES Web site: www.des.nh.gov

Carl Woodbury
Department of Environmental Services
29 Hazen Drive
Concord, NH 03301
Fax: (603) 271-2456

In the event compliance is not achieved within the time period indicated above, DES may initiate formal enforcement action against you, including issuing an order requiring the deficiencies to be corrected and/or referring the matter to the New Hampshire Department of Justice for imposition of civil and/or criminal penalties. DES reserves the right to pursue administrative fines for the violation(s) noted above.

Your prompt cooperation is appreciated. Please contact Carl Woodbury at (603) 271-3899 if you have any questions or need further assistance.

Sincerely,


George Lombardo
Administrator
Oil Remediation and Compliance Bureau

Certified Mail RRR#: 7000 0600 0023 9932 1462

CC: DB/File/Town
Gretchen Rule, DES Legal Unit
Howard Fosher, 292 Morse Rd., Manchester, NH 03104